

Serial No. 09/825,328
Attorney Docket No. US010164
Page 15 of 17

REMARKS

Claims 1, 11, 15-16, 21, 25-26, 31, 38-39, 41, and 45 are in the case and presented for consideration.

Initially, applicants have amended the specification and claims to replace "environmental conditions" and "environmental factors" with the phrase "environmental characteristics". It is clear that throughout the specification and claims, all three of these phrases are used interchangeably. However, for consistency, the specification and claims have been amended to consistently refer to only environmental characteristics in accordance with the title of the invention. The scope of the claims has not been changed in this regard. Thus, the claims are entitled to a full scope of equivalents under the Doctrine of Equivalents in this regard.

Claims 1, 11, 21, 31, 38-39, 41, and 45 were rejected under 35 U.S.C. §103(a) as being obvious from Published U.S. Patent Application 2002/0052873 to Delgado (hereinafter Delgado '873).

Claims 1, 11, 21, 38, and 39 have been rewritten to clarify that environmental conditions are observed. For example, claim 1 recites the step of "observing one or more environmental characteristics" and claim 21 recites "observed environmental characteristics." Claims 11, 38, and 39 recite similar limitations.

Delgado '873 does not teach or suggest a step of "observing one or more environmental characteristics" or "observed environmental characteristics". The Office indicates that "one or more environmental conditions includes at least one of weather condition as claimed (see [0041])". However, as explained in Delgado '873, the weather condition is not observed. Rather it is input by a user. Delgado '873 explains as follows:

The preferred embodiment is a vacation recommender system and method that matches a user profile and user preferences with recommendations of vacation destinations. The method of the present invention is roughly illustrated in exemplary FIG. 7. In P1

N:\UserPublic\YG\US\US01\US010164_amd_46-06.DOC

15

Serial No. 09/825,328
Attorney Docket No. US010164
Page 16 of 17

(Search Criteria Input), the user, through a Web page interface illustrated in exemplary FIG. 5, is prompted to *input* search criteria by answering a variety of questions to indicate which vacation features are most important to him/her. (emphasis added)

In paragraph 0041 (referred to by the Office), Delgado '873 further explains:

Further, the multi-level structure of the mapping database enables the system to represent criteria and features specific to a given business domain as a flexible 'domain tree' . . . For example, a given vacation may be mapped in this domain space as having few available activities, great weather, and low cost. Similarly, user preferences can be mapped in this domain space. For example, *a given user may prefer a vacation with many activities and moderately nice weather*, but may not be concerned with cost. (emphasis added)

Therefore, it is clear that weather, as a preferred environmental condition (or characteristic) for vacation, is input as criteria. The weather is not observed. Therefore, Delgado '873 does not teach or suggest observing or observed environmental characteristics as recited in claims 1, 11, 21, 38, and 39.

Claims 41 and 45 depend from claims 38 and 39 and are believed to be patentable for at least the same reasons as claims 38 and 39. Furthermore, it is noted that Delgado '873 does not teach or suggest an observed environmental characteristic that is a location or characteristics of a location. Rather, it only suggests vacation locations that a user inputs as preferences.

Claim 31 recites "a characteristic of motion of said user". Delgado '873 does not teach or suggest a characteristic of motion of said user.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested. No new matter has been added.

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will

Serial No. 09/825,328
Attorney Docket No. US010164
Page 17 of 17

advance the application to allowance.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) to Account No. 14-1270.

Respectfully submitted,

By *Jan Glickberg*
Jan Glickberg, Reg. 51,742
Attorney
(914) 333-9618